

JANUARY 9, 2008
 MICHAEL W. DOBBINS
 CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION**

08 C 219

**Mohmoud Abdulla Albasery f/k/a
 Kassim Hussain Mohammed**

Plaintiff

v.

No.

**United States of Amercia, Central
 Intelligence Agency**

Defendant.

**JUDGE HIBBLER
 MAGISTRATE JUDGE ASHMAN**

FREEDOM OF INFORMATION ACT COMPLAINT

Introduction

1. Plaintiff, Mohmoud Abdulla Albasery f/k/a Kassim Hussain Mohammed, brings this action under the Freedom of Information Act, 5 U.S.C. §552, ("FOIA"), to compel Defendant, the Central Intelligence Agency, ("CIA"), to disclose all documents requested by Plaintiff from Defendant under the provisions of FOIA. On June 25, 2007, Plaintiff requested a copy of all documents maintained or indexed by the CIA under the name of the Plaintiff. None of the documents requested have been provided. Relief is sought from this Court.

Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B) and 28 U.S.C. §1331.

3. Venue lies in the this district pursuant to 5 U.S.C. §552(a)(4)(B).

Parties

4. Plaintiff, Mohmoud Abdulla Albasery f/k/a Kassim Hussain Mohammed, (hereinafter "Albasery") is a naturalized citizen of the United States Of America, who is a resident of the City

of Chicago, County Of Cook, State of Illinois.

5. Defendant, Central Intelligence Agency, is an agency of the United States. The CIA has possession and control of the records at issue.

Facts

6. On June 25, 2007, Plaintiff submitted a FOIA request to the Information And Privacy Coordinator of the CIA. The request included copies of all documents maintained or indexed by the CIA under the name of Plaintiff.

7. On July 13, 2007, the CIA responded requesting additional information, which the Plaintiff provided on July 25, 2007. Thereafter, on September 6, 2007 the CIA responded that they had no documents under the Plaintiffs name.

8. On September 18, 2007, Plaintiff filed a timely administrative appeal again asking for the documents withheld.

9. On November 15, 2007, the CIA denied Plaintiff's appeal stating that there were no documents under the Plaintiffs name.

Cause of Action

Freedom of information Act- Wrongful Withholding of Records

10. Plaintiff incorporates the allegations of paragraph 1 through 9, above.

11. The materials at issue do not fall within any exemption of 5 U.S.C. §552.

12. Plaintiff has requested release of these records and has been denied disclosure.

13. Plaintiff has exhausted his administrative remedies by filing timely appeals that have been denied.

14. Title 5 U.S.C. § 552 provides the Court may examine the contents of the records denied to Plaintiff in camera to determine if any or all of the records should be withheld and shall review the matter de novo. Furthermore, it is the agency's burden to sustain denying the release of

records.

15. Plaintiff has a statutory right under FOIA to materials request and there is no justification for the CIA failure to provide the records.

Relief Requested

Wherefore, Plaintiff prays this Honorable Court:

1. Pursuant to 5 U.S.C. §552, order an injunction requiring the CIA to cease withholding records;
2. Pursuant to 5 U.S.C. §552, order the CIA to produce records denied to Plaintiff;
3. Award costs and reasonable attorneys fees as authorized by 5 U.S.C. 552; and
4. Order such other and further relief this Court deems proper.

Respectfully Submitted,


BRODSKY & ODEH

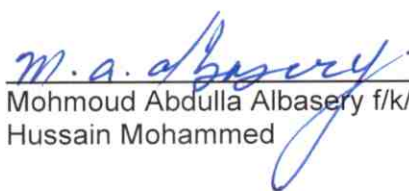
Attorneys for Plaintiff

8 S. Michigan Ave.

Suite 3200

Chicago Illinois 60603

(312)-701-3000


Mohmoud Abdulla Albasery f/k/a Kassim
Hussain Mohammed

Joel A. Brodsky
BRODSKY & ODEH
Attorneys for Plaintiff
8 S. Michigan Ave.
Suite 3200
Chicago Illinois 60603

June 25, 2007

Information and Privacy Coordinator
Central Intelligence Agency
Washington DC 20505

Dear Coordinator,

Under the Freedom Of Information Act, 5 USC subsection 552, I am requesting information or records on Mr. Mohmoud Abdulla Albasery a/k/a Kassim H. Mohammed, 6135 N. Kildare Ave, Chicago IL 60646

Please release these records to my attorneys:

Brodsky & Odeh
8 S. Michigan Ave.
Suite 3200
Chicago IL 60603

If there are any fees for searching for, reviewing, or copying the records, please let me know before you task my requests.

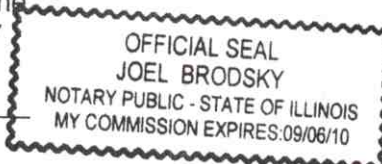
If you deny all or part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Very truly yours,

M. A. Albasery
Mohmoud Abdulla Albasery
a/k/a Kassim H. Mohammed

Subscribed and Sworn to before me
this 25th day of June, 2007

Joel Brodsky
Notary Public



Central Intelligence Agency



Washington, D.C. 20505

SEP 06 2007

Mr. Mohmoud Abdulla Albasery
6135 N. Kildare Ave.
Chicago, IL 60646

Reference: P-2007-00714 (Formerly: F-2007-01599)

Dear Mr. Albasery:

The office of the Information and Privacy Coordinator received your 25 July 2007 letter providing the additional information we requested. We assigned your request the new reference number above. Please use this number when corresponding so that we can identify it easily.

We processed your request under the Freedom of Information Act and the Privacy Act. We searched for CIA-originated records existing through 30 July 2007, the date we received your 25 July 2007 letter.

We were unable to identify any information or records filed under your name, or the other name you provided.

Our searches were thorough and diligent, and it is highly unlikely that another effort would change the result. Nevertheless, you have the legal right to appeal our inability to find relevant records. You may address your appeal to the Agency Release Panel, in my care, within 45 days of the date of this letter. Please explain the basis of your appeal.

We appreciate your patience while we were processing this request.

Sincerely,

Anthony B.
for Scott Koch

Information and Privacy Coordinator

Central Intelligence Agency



Washington, D.C. 20505

26 September 2007

Mr. Joel A. Brodsky
Brodsky & Odeh
Attorneys at Law
8 South Michigan Avenue, Suite 3200
Chicago, IL 60603

Reference: P-2007-00714

Dear Mr. Brodsky:

We received your 18 September 2007 letter appealing the 6 September 2007 determination of this agency on behalf of your client, Mr. Mohamoud Abdulla Albasery, in response to his Freedom of Information Act and Privacy Act request for information on himself.

Specifically, you appealed the adequacy of our search, which resulted in the determination that no records responsive to Mr. Albasery's request were located.

Your appeal has been accepted and arrangements will be made for its consideration by the appropriate members of the Agency Release Panel. You will be advised of the determinations made.

In order to afford requesters the most equitable treatment possible, we have adopted the policy of handling appeals on a first-received, first-out basis. At the present time, our workload consists of approximately 180 appeals awaiting completion. In view of this, some delay in our reply must be expected, but I can assure you that every reasonable effort will be made to complete a response as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Ma F" or similar, written in a cursive style.

for Scott Koch
Information and Privacy Coordinator

Central Intelligence Agency



Washington, D.C. 20505

NOV 15 2007

Mr. Joel A. Brodsky
Brodsky & Odeh
Attorneys at Law
8 South Michigan Avenue, Suite 3200
Chicago, IL 60603

Reference: P-2007-00714 (Formerly F-2007-01599)

Dear Mr. Brodsky:

This responds to your 18 September 2007 and 9 October 2007 letters in which you appealed on behalf of your client, Mr. Mohmoud Abdulla Albasery, our determination regarding his Freedom of Information Act and Privacy Act request for information on himself. Specifically, you appealed the adequacy of our search, which resulted in the determination that no records responsive to his request were located.

The Agency Release Panel has considered your appeal and has determined that despite thorough and diligent searches of the appropriate records systems at the appellate level, we were unable to locate any records responsive to your request. Therefore, in accordance with Agency regulations, the Agency Release Panel has denied your appeal. For your information, Agency regulations are set forth in parts 1900 and 1901 of title 32 of the Code of Federal Regulations.

In accordance with the provisions of the Freedom of Information Act and the Privacy Act, you have the right to seek judicial review of this determination in a United States district court.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Koch".

Scott Koch
Executive Secretary
Agency Release Panel